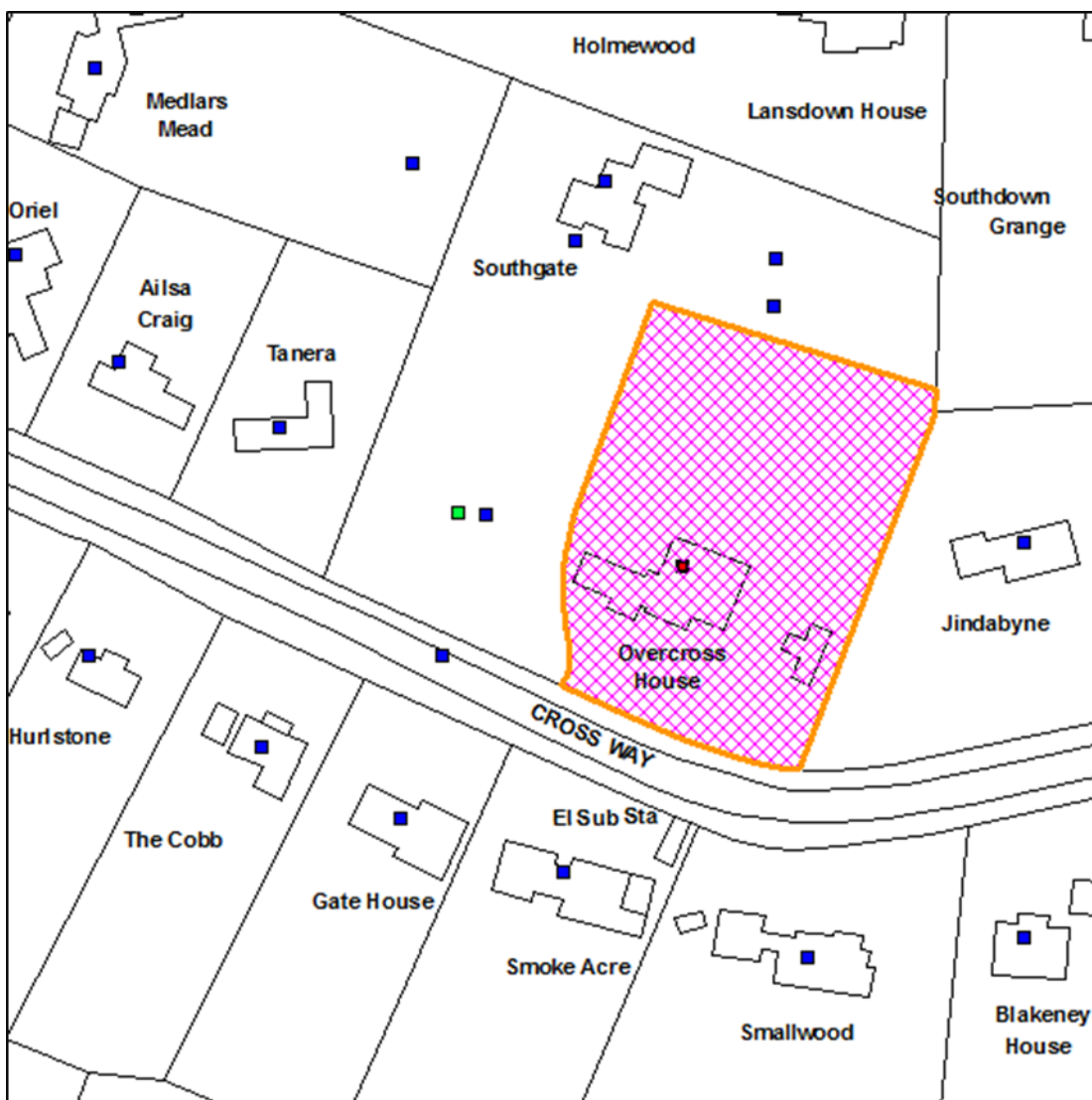


Case No: 18/00797/FUL
Proposal Description: Demolition of a single storey side extension and alterations to the fenestration of the existing Overcross House and construction of a new 5 bedroom detached dwelling to the east of the existing house.
Address: Overcross House Cross Way Shawford SO21 2BZ
Parish, or Ward if within Winchester City: Compton And Shawford
Applicants Name: Mr Keith Diamond
Case Officer: Mrs Megan Osborn
Date Valid: 27 March 2018

Recommendation:



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General Comments

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Application is reported to Committee due to the number of objections received (14).

This application is a resubmission of a previous application with alterations; the previous application was refused at planning committee on the 18th January 2018. The application was refused for the following reason: *'The proposed development is contrary to policies CP13 of the Winchester District Local Plan Part 1 Joint Core Strategy adopted March 2013, DM15 and DM16 of the Winchester District Local Plan Part 2 Development Management and Site Allocations adopted April 2017, High Quality Places Supplementary Planning Documents adopted March 2015 (page 16 3.3, GP1, HQS5, HQS6) and The Compton & Shawford Parish Council Village Design Statement Supplementary Planning Document November 2011. 'It is considered that the layout and siting of the new dwelling and detached garage fail to respond positively to the character and appearance of the local environment within and surrounding the site and therefore results in a significant level of harm to the characteristics which contribute to the distinctiveness of the local area.'*

This application alters the proposed access by no longer creating a new access onto Crossways and using the existing access for both properties. The proposed scheme also omits the previously proposed garage to the front of the new dwelling. In addition the proposed house is set back from the front building line of Overcross House by 3m.

Site Description

This application site lies within the settlement boundary of Southdown, Shawford. The application site is 0.34ha in size and consists of land within the curtilage of Overcross House, along Crossway. The site is boarded by Crossway to the south and is surrounded by residential properties to the east, north and west. The character of the area is residential with large, detached dwelling set back from the road and positioned in a range of plot sizes. The existing property on the site consists of a two storey dwelling, it uses a mixture of brickwork and white render. The use of pitched and cat slide roofs give the property a distinctive appearance. It currently has a small single storey extension to the side of the existing dwelling.

Proposal

The proposal is for the substantial plot to be divided to allow for the erection of a five bedroom dwelling to the east of Overcross House, whilst retaining the existing dwelling on the site.

The design of the house is a traditional form which responds well to the context of the surrounding area. The dwelling proposes a basement level with a Cinema and games/gym area.

There are amendments to the previously refused application that moves the house back by 3m, removes the garage and keeps the existing access onto Crossway, which is proposed to be used for both dwellings.

As part of the application it is proposed that some minor alterations are made to the existing dwelling, Overcross House. This includes the removal of a single storey side extension and the removal of two windows in the east elevation and the inclusion of a

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new window on the rear elevation.

Relevant Planning History

83/01603/OLD - Erection of garage and single storey rear extension. PER 29th December 1983.

96/03489/OLD - First floor side extension; single storey rear side and front extensions. PER 22nd January 1996.

17/02574/FUL - Demolition of a single storey side extension and alterations to the fenestration of the existing Overcross House and construction of a new 5 bedroom detached dwelling and detached double garage to the east of the existing house.. REF 24th January 2018.

Consultations

Engineers: Drainage:

No objections

Engineers: Highways:

No objection

Trees:

No objection

Representations:

City of Winchester Trust:

South Down Residents Association

- The house is too large for the site and therefore would result in over development.
- Although the garage is removed from the plans, it is not going to stop them coming in at a later date, permitted development should be removed.
- The house would have a detrimental effect on the large Oak tree next to the site.

14 letters received objecting to the application for the following reasons:

- The house is too big for the plot resulting in a cramped form of development.
- The proposal would impact on the tree
- This would result in an overbearing development.

Reasons aside not material to planning and therefore not addressed in this report

- The intension appears as if they will put in planning permission for a garage at a later date.

Relevant Planning Policy:

Winchester District Local Plan Review

MTRA2, CP2, CP3, CP11, CP13, CP14

Winchester Local Plan Part 1 – Joint Core Strategy

DM1, DM2, DM14, DM15, DM16, DM17, DM18

National Planning Policy Guidance/Statements:

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Planning Considerations

Principle of development

The site lies within the policy boundary of Southdown where the Local Plan supports the principle of new residential development. Furthermore Policy MTRA3 of LPP1 allows for new housing in this area providing development is appropriate in terms of its scale and design and conserves the settlement's identity, countryside setting, key historic characteristics and local features particularly as identified in the village design statement.

Policies DM 15, 16, 17 and 18 of the Local Plan Part 2 seek to ensure that development makes efficient and effective use of land or buildings; in terms of design, scale and layout responds positively to the character, appearance and variety of the local environment; keeps parking provision to a minimum; provides for ease of movements and local permeability; maximises access to public transport; facilitates the development of adjacent sites; does not have an unacceptable adverse impact on adjoining land, uses or property; includes within the development sufficient amenity and recreational space appropriate to the size, design and function; and makes appropriate provision for the storage of refuse and recyclables.

The Compton and Shawford Village Design Statement sets out design guidelines and describes the current area as 'large houses set in large plots' it goes on to explain the context further 'The linear character of the housing distribution can be seen in the map on the centre pages. Other forms of development should only be permitted where they would not adversely impact on the character of the area.'

Impact on character of area and neighbouring property

The proposal is for a large five bedroom house located within the side garden of Overcross House.

Amendments have been made to the refused application to address the previous reason for refusal. This proposal removes the garage to the front of the dwelling, moves the dwelling back by approx. 3m and removes the new access onto Cross Way. It is considered that by doing these changes the application has addressed the concerns raised by the previous committee in terms of siting and layout of the house and garage. By pushing the dwelling back by 3m the siting of it is more in line with the neighbouring dwelling, Jindabyne. It turns the corner on this part of Cross Way and reflects the building line of the street.

The proposed design of the dwelling, including the use of traditional external materials, is considered to be sympathetic to the design of dwellings in the surrounding area. The scale and massing would not result in a dwelling that would not be uncharacteristic of the dwellings in this part of Crossway.

It is considered that this proposed dwelling would not result in a development that would appear as an incongruous form of development within the surrounding area. The

development conserves the verdant, leafy, spacious character, especially by retaining the hedge to the front and removing the previously proposed access. It is considered that it would not adversely impact on the visual amenities of the surrounding area.

Given the location of the proposed dwelling in relation to the existing and the neighbouring dwelling 'Jindabyne', and that the side windows are for bathrooms which would have obscurely glazed windows, it is not considered that the proposal results in material planning harm towards neighbouring amenities.

There are windows on the rear elevation of the dwelling, which look towards the rear garden and have angled views of the garden at Overcross House. However, this is a level of overlooking that you would expect from this residential area such as this.

Condition 13 removes permitted development rights for Class A, B, C and E. However a garage forward of the front elevation of the dwelling would require planning permission regardless.

Landscape/Trees

The tree officer raises no objections, subject to Condition 8 - A comprehensive tree survey has been undertaken and a tree protection plan has been submitted to evidence that the trees will be retained and protected during development.

Highways/Parking

The layout plan shows that the existing access is to be retained to serve the new dwelling and the existing dwelling, Overcross House.

This proposal does not contain any significant highway issues and is unlikely to impact on highway safety subject to Condition 11.

Affordable Housing

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

In this circumstance, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. No contribution is therefore required for this proposal.

Ecology

There will be no further harm on the ecology of the site as this land is partially built on already and the proposed dwelling would have no impact on the surrounding ecology of the area.

Conclusion

It is therefore concluded that the proposed development will not result in a significant adverse impact on the amenities of the neighbouring properties and it is compliant with relevant development plan policy.

Recommendation

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Permit subject to the following condition(s):

Conditions

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

03 Reason: To improve the appearance of the site in the interests of visual amenity.

04 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before occupation of the dwelling hereby approved. Development shall be carried out in accordance with the approved details.

04 Reason: In the interests of the visual amenities of the area.

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the east and west elevation(s) of dwelling hereby permitted.

05 Reason: To protect the amenity and privacy of the adjoining residential properties.

06 The first floor window(s) in the east and west elevation of the dwelling hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing

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by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

06 Reason: To protect the amenity and privacy of the adjoining residential properties.

07 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

07 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

08 Prior to any demolition, construction or groundwork commencing on the site the tree protective fencing hereby approved in accordance with the Arboricultural Impact Appraisal, Method Statement & attached Tree Protection Plan Ref: CBA 10788 V1B March 2018 and the Tree Protection plan ref: CBA 0788.02B TBB March 2018, must be installed and inspected by the Councils Tree Officer 01962 848210, skowalczyk@winchester.gov.uk.

The development must be carried out in accordance with the approved Arboricultural Impact Appraisal, Method Statement Ref. CBA 10788 V1B March 2018 and the Tree Protection plan ref: CBA 0788.02B TBB March 2018.

08 Reason: To protect the amenity afforded by trees in accordance with Policy DM15 and Policy DM24 of the Winchester District Local Plan Part 2 2017.

09 Prior to the commencement of the development hereby permitted excluding works of demolition, detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

09 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10 Prior to the occupation of the dwelling(s) hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

10 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

11 The proposed access and drive, shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE - A licence is required from Hampshire Highways Winchester, Bishops Waltham Depot Botley Road, Bishops Waltham, SO32 1DR prior to commencement of access works.

11 Reason: In the interests of highway safety.

12 The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

Proposed site plan 2001 - PL
Main House foundations SK02 and SK03
Proposed floor plans 3001 -PL
Proposed elevations 4002 - PL
Street scene 5001 - PL
Tissue analysis - 2003 - PL

12 Reason: To ensure the development is built in accordance with the plans approved.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

13. Reason: To protect the amenities of the locality and to maintain a good quality environment.

Informatives:

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

02. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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03. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: MTRA2, CP2, CP3, CP11, CP13, CP14.

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM14, DM15, DM16, DM17, DM18.

04. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice on this please refer the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

07. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

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Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

08. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

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